

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE**

Kelly Brooke Martin,)
)
Plaintiff,)
v.) Civil Action
)
University of Tennessee,) Case No. 3:24-cv-00075-KAC-JEM
)
Defendant.)

DEFENDANT'S PRETRIAL DISCLOSURES

In accordance with the provisions of Rule 26(a)(3) and the Court's Scheduling Order, ECF Doc. 17, ¶ 5.f., Defendant files and serves its Pretrial Disclosures.

Witnesses the Defendant Expects to Present: All are employees of the University of Tennessee.

1. Dr. Lori Messinger
2. Dr. Jovanda Williams Moss
3. Dr. Robert Mindrup
4. Katrice Jones Morgan
5. Jill Malolepszy
6. Michelle Buck
7. Rachel Watson Dey
8. Julie Roe
9. Jon Chandler

Witness the Defendant May Call if the Need Arises:

1. Tony Murchison
2. Amanda Gandy
3. Dr. Patricia Bamwine
4. Tiffany Harmon
5. Ashley Hiatt
6. Dr. Andrea Joseph McCatty
7. Tiffany Harmon

Deposition Designations the Defendant Intends to Introduce:

1. The video deposition testimony of Dr. Camille Hall.

Page 3, line 9 through page 3, line 18

Page 4, line 7 through page 26, line 19

Page 33, line 14 through page 35, line 12

Exhibits the Defendant May Offer: Attached Hereto and Numbered

Defendant's Exhibit No. 1 through No. 39.

1. Defendant Expects to Offer the Following Exhibits:

1, 2, 3, 4, 5, 6, 7, 8, 10, 12, 14, 16, 17, 18, 19, 20, 21, 23, 24, 27, 29, 31, 32,
35, 36, 37, 38, and 39.

2. Defendant May Offer the Following Exhibits if the Need Arises:

9, 11, 13, 15, 22, 25, 26, 28, 30, 33, and 34.

No.	Description	Bates Nos.
1	HRO280 – Sexual Harassment & Other Discriminatory Harassment	Defendant's Exhibit No. 1
2	HR0220 – Equal Employment Opportunity	Defendant's Exhibit No. 2
3	January 10, 2022 Letter from Messinger to Martin regarding concerns raised about group faculty members and administrators organizing against Messinger	Defendant's Exhibit No. 3
4	January 18, 2022 Letter from Messinger to Martin regarding November 10, 2021 letter regarding concerns about faculty and administrators and interactions, being manipulated; January 18, 2022 Email from Messinger to Martin regarding letter on personnel matter – working with Dr. Hall	Defendant's Exhibit No. 4
5	February 18, 2022 Email from Martin to Robert Mindrup, copying Javonda Williams regarding Student Concerns	Defendant's Exhibit No. 5
6	August 30, 2022 Email from Williams to Messinger regarding Martin's request for faculty accommodation for 22-23 academic year	Defendant's Exhibit No. 6
7	August 25, 2022 Email from Williams to Martin regarding SW 316 course. No record OED accommodation to conduct course online	Defendant's Exhibit No. 7
8	September 1, 2022 Email from Martin to Williams, copying Mindrup regarding faculty accommodation request approved, able return to campus for accessible in-person teaching	Defendant's Exhibit No. 8
9	January 12, 2023 Martin – Psychiatric Diagnostic Evaluation (Redacted)	Defendant's Exhibit No. 9
10	February 7, 2024 Memo from John Zomchick to Martin and Messinger, copying Michelle Buck and Rachel Dey regarding OIR Report on complaint of alleged discrimination based on disability – Investigation Report dated January 11, 2024 Conclusions regarding alleged discrimination based on disability	Defendant's Exhibit No. 10
11	August 6, 2021 Memo from Messinger to Martin, copying Ashley Howdeshell regarding Director of International Education	Defendant's Exhibit No. 11
12	[No date] Williams to Martin regarding OED accommodation request for Fall 2023 semester	Defendant's Exhibit No. 12
13	March 14, 2022 Email from Williams to Martin and Messinger regarding Questions regarding administrative leave	Defendant's Exhibit No. 13
14	March 7, 2022 Email from Williams to Martin copying Mindrup regarding Transition Request	Defendant's Exhibit No. 14

No.	Description	Bates Nos.
15	June 2, 2022 Email from Williams to Martin, copying Tiffany Harmon and Howdeshell regarding Return to duties – Martin - Final	Defendant's Exhibit No. 15
16	May 31, 2022 Letter from Williams-Moss to Martin regarding return to duties as an Assistant Professor of Practice and Director of International Education as of June 1, 2022 - responsibilities for Summer 2022 semester	Defendant's Exhibit No. 16
17	August 30, 2022 Email from Katrice Jones Morgan to Martin copying Jill Malolepszy regarding Instructional Modality for your Fall 2022 classes – teach remotely	Defendant's Exhibit No. 17
18	August 26, 2022 Email from Jennifer Hardy to Malolepszy regarding request for update regarding able to move Martin closer proximity to one another and/or their office in Henson Hall	Defendant's Exhibit No. 18
19	June 9, 2022 Email from Martin to Malolepszy, copying Hardy regarding request an ADA accommodation based on mobility for upcoming Fall semester	Defendant's Exhibit No. 19
20	January 20, 2022 to Malolepszy regarding progress so far – Martin in Henson Hall, won't have to make walk to Austin Peay anymore	Defendant's Exhibit No. 20
21	January 19, 2022 Email from Martin to Malolepszy regarding accessibility	Defendant's Exhibit No. 21
22	August 4, 2021 Martin's signed form for Request of Reasonable Accommodations	Defendant's Exhibit No. 22
23	March 14, 2022, Memo from Messinger to Martin, copying Diane Kelly, Mary Liscal, John Zomchick regarding Notification of Placement on Administrative Leave	Defendant's Exhibit No. 23
24	September 26, 2022 Letter from Messinger to Martin regarding faculty appointment terminated without cause effective October 7, 2022	Defendant's Exhibit No. 24
25	January 5, 2023, handwritten notes Martin w/RWD	Defendant's Exhibit No. 25
26	2023 (continued) Meeting with Martin – handwritten notes	Defendant's Exhibit No. 26
27	November 30, 2022 Martin (First Interview) at OED office. Rachel Dey and Katrice Jones Morgan present. Discrimination and harassment based on disability. Messinger (Social Work)	Defendant's Exhibit No. 27
28	November 30, 2022 Martin Interview w/RWD regarding recording of the mtg	Defendant's Exhibit No. 28
29	March 14, 2022 Memo from Messinger to Martin, copying Kelly, Liscal, Zomchick regarding Notification of Placement on Administrative Leave – concerned about	Defendant's Exhibit No. 29

No.	Description	Bates Nos.
	performance as an assistant professor of practice and director of international education	
30	March 20, 2019 Letter from David Manderscheid to Martin regarding authorized appointment as Assistant Professor of Practice without tenure 2019 to 2020, salary	Defendant's Exhibit No. 30
31	May 31, 2022 Letter from Williams-Moss to Martin regarding confirmation of return to duties as Assistant Professor of Practice and Director of International Education as of June 1, 2022. Fall 2022 semester return to teaching	Defendant's Exhibit No. 31
32	September 26, 2022 Letter from Messinger to Martin regarding faculty appointment terminated without cause effective October 7, 2022; including text; January 18, 2022 Letter from Messinger to Martin regarding Martin's raised concerns about faculty members and administrators; September 5, 2022 Letter from Messinger to Martin regarding University Policy HR0355 placed on administrative leave with pay effective today; March and February 2022 meeting notes; timeline; and, January 11, 2022 Letter from Jon Chandler to Messinger regarding HR completing investigation Martin's concerns related to Dr. Camille Hall	Defendant's Exhibit No. 32
33	List of Employees and Reason for Termination	Defendant's Exhibit No. 33
34	August 3, 2022 Martin's signed form Request for Reasonable Accommodations	Defendant's Exhibit No. 34
35	December 10, 2024 Letter from Kenneth Teague, HR YMCA to Pinkley attaching Martin's employment records (Redacted)	Defendant's Exhibit No. 35
36	Chart of salaries of comparative employees - Messinger	Defendant's Exhibit No. 36
37	October 7, 2021 Email from Martin to Tony Murchison, copying Melissa Richter and Angela Thomas regarding FB Live – okay from Messinger FB Live event on dwarfism	Defendant's Exhibit No. 37
38	October 12, 2021 Email from Martin to Murchison and Patricia Bamwine, copying Richter and Thomas regarding FB Live – don't want to associate difference with negativity – suggests "Everything you want to know about dwarfism but was afraid to ask" or "What's it like to be a little person"	Defendant's Exhibit No. 38

No.	Description	Bates Nos.
39	October 27, 2021 Email from Martin to Murchison and Thomas, copying Amiee Sadler regarding FB Live Event to be moderated by Sadler	Defendant's Exhibit No. 39

Respectfully submitted this 10th day of April, 2025.

/s/ T. Harold Pinkley
T. Harold Pinkley (BPR # 009830)
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing was electronically filed with the Clerk of the Court using the CM/ECF system which will automatically send email notification of such filing to any counsel of record and by mailing a copy via U.S.P.S. and electronic mail to the following:

Dr. Kelly Brooke Martin
803 W. 1st Avenue
Lenoir City TN 37771
(865) 898-4965
kmarti16utk@gmail.com

Respectfully submitted this 10th day of April, 2025.

/s/ T. Harold Pinkley
T. Harold Pinkley (BPR # 009830)